

REMARKS

Claims 1-8, 23-29, and 35-42 were pending as of the office action mailed on November 17, 2008. Claims 1 and 23 are amended. Claims 3, 36, and 42 are canceled. No new matter has been added. Support for the amendments can be found, for example, in paragraphs 53-59 of the original application as filed.

Reexamination of the application and reconsideration of the action are respectfully requested in light of the foregoing amendments and the following remarks.

I. Claim Rejections Under 35 U.S.C. § 112

Claim 1 presently stands rejected under 35 U.S.C. § 112 as lacking antecedent basis for the claim limitations “the authentication program” and “response to the request.” Applicants have amended the claim limitation “the authentication program” to “the software program” and the claim limitation “response to the request” to “response to the authentication procedure update request.”

Claim 23 presently stands rejected under 35 U.S.C. § 112 as lacking antecedent basis for the claim limitation “the authentication program.” Applicants have amended the claim limitation “the authentication program” to “the software program.”

Applicants respectfully request that the rejections be withdrawn.

II. Claim Rejections Under 35 U.S.C. § 103

Claims 1, 3-4, 23, 25, 28, 36-37, and 42 presently stand rejected under 35 U.S.C. § 103(a) as allegedly being rendered obvious by U.S. Pub. No. 2002/0077986 to Kobata et al. (“Kobata”).

Claims 5-8, 26-27, and 38-41 presently stand rejected under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Kobata in view of U.S. Patent. No. 5,586,260 to Hu (“Hu”) in further view of U.S. Pub. No. 2005/0132083 to Raciborski et al. (“Raciborski”).

Claims 2, 24, and 35 presently stand rejected under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Kobata in view of U.S. Pub. No. 2003/0135650 to Kano et al. (“Kano”).

Claim 29 presently stands rejected under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Kobata in view of Raciborski in further view of U.S. Patent No. 7,233,981 to Tenereillo et al.

Applicant respectfully traverses the rejections.

III. . . Claims 1,2, 4-8, 23-29, 35, and 37-41 are Allowable Over the Art of Record

A. Claim 1

The Examiner rejected claim 1 as allegedly being rendered obvious by Kobata. Claim 1 has been amended to further distinguish over Kobata. Claim 1, as amended, recites in part:

receiving an authentication procedure update request from the client, the authentication procedure update request associated with the electronic document and *requested by the client in a manner transparent to a current user of the client*;
obtaining, at the server and in response to the authentication procedure update request, a software program selected based on the authentication procedure and comprising instructions operable to cause one or more data processing apparatus to perform operations effecting the authentication procedure

The relied upon portions of Kobata show that in response to a request to obtain a digital asset, a gatekeeper module determines the appropriate viewer application for outputting the digital asset. See Kobata, paragraphs 236. The viewer application is selected according to the format of digital information associated with the requested asset. See id. Thus the *viewer application is obtained in response to a request for a digital asset* and, once it is determined that a viewer application is to be obtained, the *selection of the appropriate viewer application is based on the format of the digital information*.

The replied upon portions of Kobata also show that the viewer application may include a graphical “Upgrade” button to permit a user to request additional digital rights to manipulate the digital asset/content (e.g., extend the time during which the viewer can be used by the user). See Kobata, paragraph 252. Selecting the Upgrade button may require the user to provide authentication information, e.g., a password, or to submit payment for the requested additional rights. See id. Thus the relied upon portions of Kobata show that *a user can take affirmative*

actions (e.g., selecting the Upgrade button) to request additional rights to manipulate the digital asset.

However, the relied upon portions of Kobata do not teach or suggest an “authentication procedure update request . . . requested by the client in a manner transparent to a current user of the client” and “obtaining, at the server and in response to the authentication procedure update request, a software program selected based on the authentication procedure,” as claimed in claim 1. Applicants respectfully assert that claim 1, and all claims depending therefrom, are allowable over the art of record.

Withdrawal of the rejections of claim 1, and all claims depending directly or indirectly therefrom, are respectfully requested.

B. Claim 23

The Examiner rejected claim 23 as allegedly being rendered obvious by Kobata. Claim 23 has been amended to further distinguish over Kobata. Claim 23, as amended, recites in part:

a client that initiates an authentication procedure update request to a server in a manner transparent to a current user of the client when an action is to be taken with respect to an electronic document local to the client, wherein the authentication procedure update request requests an authentication procedure associated with the electronic document;

the server that receives the authentication procedure update request, and in response to the client, the server obtains and sends a software program selected based on the authentication procedure and comprising instructions operable to cause one or more data processing apparatus to perform operations effecting the authentication procedure

The relied upon portions of Kobata recite that:

FIG. 17 shows an exemplary process by which the digital asset 1420 is reconstructed. When the receiving system makes a request 1706 to obtain the digital asset 1420, the gatekeeper module 1402 verifies the validity of the request 1706 and the authenticity of the requesting user. Upon verifying the request 1706 and the user, the gatekeeper module 1402 determines the appropriate viewer

application program for outputting the digital asset 1420. The gatekeeper module 1402 selects the appropriate viewer application according to the format of the digital information. In the event that more than one viewer application program within the viewer module 1406 can be used to output the digital asset 1420, the gatekeeper module 1402 chooses one of the viewer applications based upon a predetermined priority ranking among the viewer application programs or a selection by the requesting party. The gatekeeper module 1402 invokes the viewer module 1406 to start the appropriate viewer application program (step 1710). (See Kobata, paragraph 236).

With reference to claim 23, the Examiner states “Kobata et al., as modified, teaches a client that sends a request to a server when an action is to be taken with respect to an electronic document local to the client ([0236] e.g., receiving system makes a request to obtain a digital asset).” See Official Action, page 7. Applicants respectfully contend that if the “receiving system makes a request to obtain a digital asset,” then the digital asset is not local to the receiving system when the request is initiated. Conversely, claim 23 claims that a client “initiates an authentication procedure update request . . . when an action is to be taken with respect to an *electronic document local to the client*.” As such, Applicants respectfully assert that claim 23 is allowable over the art of record.

In addition, Applicants also respectfully assert that claim 23 is allowable over the art of record for the same reasons as set forth above with respect to claim 1. Accordingly, Applicants respectfully contend that claim 23, and all claims depending therefrom, are allowable.

Withdrawal of the rejections of claim 23, and all claims depending directly or indirectly therefrom, are respectfully requested.

C. Claim 28

The Examiner rejected claim 28 as allegedly being rendered obvious by Kobata. Applicants respectfully disagree. Claim 28 recites, in part:

an internal services component that provides functionality across dynamically loaded methods; and

dynamically loaded external service providers, including an authentication service provider

In the rejection of claim 28, the Examiner cites elements 115 and 230 of Fig. 2, and elements 1402, 1406, and 1410 of Fig. 15 without any additional explanation. See Official Action, pages 8-9. Specifically, with reference to the claim feature “an internal services component that provides functionality across dynamically loaded methods,” the Examiner cites element 230. See id. Kobata shows that element 230 is a central rights database in which digital rights information is stored. See Kobata, paragraph 108. With reference to the claim feature “dynamically loaded external service providers, including an authentication service provider,” the Examiner cites elements 1402, 1406, and 1410. See id. Kobata shows that element 1402 is a gatekeeper module facilitating access to digital assets (see Kobata, paragraphs 234-239), element 1406 is viewer module that allows a user to view information associated with a digital asset (see Kobata, paragraphs 227-245), and element 1410 is an access module used in the storage and retrieval of digital assets from a memory device (see Kobata, paragraphs 226-241).

However, the relied upon portions of Kobata simply do not teach or suggest “an internal services component that provides functionality across dynamically loaded methods; and dynamically loaded external service providers, including an authentication service provider,” as claimed in claim 28. Thus, beyond its dependency on claim 23, Applicants respectfully assert that claim 28 is allowable.

Withdrawal of the rejection of claim 28 is respectfully requested.

IV. Conclusion

For the reasons set forth above, the portions of the art relied upon by the Examiner do not anticipate or render obvious any of the pending independent claims, nor any claims depending therefrom. All pending claims are thus allowable and in condition for allowance, and Applicants respectfully request that a Notice of Allowability be issued in due course.

The allowability of all of the pending claims has been addressed. The absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that

Applicant : Jonathan D. Herbach, et al.
Serial No. : 10/699,165
Filed : October 31, 2003
Page : 12 of 12

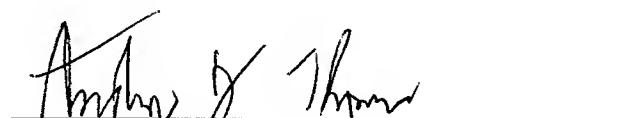
Attorney's Docket No.: 07844-0623001 / P568

rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 1/12/04


Andrew J. Thomson
Reg. No. 61,682

1180 Peachtree Street, N.E., 21st Floor
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (877) 769-7945

12087037.doc